



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDY HERNANDEZ-GOMEZ,

Defendant.

2:18-CR-282-KJD-VCF

Amended Preliminary Order of Forfeiture

This Court finds Fredy Hernandez-Gomez pled guilty to Count One of a One-Count Criminal Information charging him with receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2). Criminal Information, ECF No. 29; Plea Agreement, ECF No. 31; Arraignment and Plea, ECF No. 32.

This Court finds Fredy Hernandez-Gomez agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. 29; Plea Agreement, ECF No. 31; Arraignment and Plea, ECF No. 32.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which defendant Fredy Hernandez-Gomez pled guilty.

The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of 18 U.S.C. § 2252A(a)(2) and (2) any property, real or personal, used or intended to be

1 used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(2) or any property
2 traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 2253(a)(1)
3 and 2253(a)(3): An LG Cricket cell phone, Model K540, bearing serial number
4 701CYWC450217 (property).

5 This Court finds that the United States of America may amend this order at any time
6 to add subsequently located property or substitute property to the forfeiture order pursuant
7 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

8 This Court finds the United States of America is now entitled to, and should, reduce
9 the aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
11 DECREED that the United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
13 rights, ownership rights, and all rights, titles, and interests of Fredy Hernandez-Gomez in
14 the aforementioned property are forfeited and are vested in the United States of America
15 and shall be safely held by the United States of America until further order of the Court.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
17 of America shall publish for at least thirty (30) consecutive days on the official internet
18 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
19 describe the forfeited property, state the time under the applicable statute when a petition
20 contesting the forfeiture must be filed, and state the name and contact information for the
21 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
22 and 21 U.S.C. § 853(n)(2).

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
24 or entity who claims an interest in the aforementioned property must file a petition for a
25 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
26 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
27 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's

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1 right, title, or interest in the forfeited property and any additional facts supporting the
2 petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
4 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
5 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
6 not sent, no later than sixty (60) days after the first day of the publication on the official
7 internet government forfeiture site, www.forfeiture.gov.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
9 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
10 Attorney's Office at the following address at the time of filing:

11 Daniel D. Hollingsworth
12 Assistant United States Attorney
13 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
15 described herein need not be published in the event a Declaration of Forfeiture is issued by
16 the appropriate agency following publication of notice of seizure and intent to
17 administratively forfeit the above-described property..

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
19 copies of this Order to all counsel of record.

20 DATED Feb 12th, 2019.

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24 HONORABLE KENT J. DAWSON
25 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
DATE, 2019,

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Contractor Paralegal